

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

EARNEST HERRING

PETITIONER

VS.

CIV. ACTION NO.3:18-CV-268 HTW-LRA

BRANDON SMITH, WARDEN OF
CARROLL-MONTGOMERY REGIONAL
CORRECTIONAL FACILITY

RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

This matter comes before this court pursuant to the Report and Recommendation of United States Magistrate Judge Linda R. Anderson, which was entered on January 28, 2019 [doc. no. 9]. After examining the record evidence in this case the Magistrate Judge found that Earnest Herring's habeas petition was barred from federal review. Earnest Herring filed Objections to the Magistrate Judge's Report and Recommendation on February 11, 2019 [doc. no. 10].

This Court has reviewed the Report and Recommendation of the Magistrate Judge and the Objections of the Petitioner, as well as the court filings and the relevant law, and concludes that the findings in the Report and Recommendation [**doc. no. 9**] should be and are hereby **adopted** as this Court's own. Accordingly, the Motion to Dismiss [**doc. no. 6**] is **granted** in favor of the Defendant and this matter is dismissed, with prejudice. A separate Final Judgment will issue on this date.

SO ORDERED AND ADJUDGED, this the 26th day of February, 2019.

s/ HENRY T. WINGATE
UNITED STATES DISTRICT JUDGE